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15 Attorneys for Defendants

16 Homestore, Inc., The National Association of Realtors
17 and The National Association of Home Builders of the
18 United States

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN FRANCISCO DIVISION

22 KEVIN L. KEITHLEY and TREN
23 TECHNOLOGIES HOLDINGS LLC,

24 Plaintiffs,

25 v.

26 HOMESTORE.COM, INC., *et al.*,

27 Defendants.

Case No. C 03-4447 SI

The Honorable Susan Illston

**STIPULATION AND [PROPOSED] ORDER
VACATING JUDGMENT, AND VARIOUS
PLEADINGS AND ORDERS; AND
DISMISSING COMPLAINT AND
COUNTERCLAIMS WITH PREJUDICE**

**STIPULATION AND [PROPOSED] ORDER VACATING
VARIOUS RULINGS**

On or about May 21, 2009, Plaintiffs Kevin L. Keithley and TREN Technologies Holdings LLC, on the one hand, and Homestore.com, Inc. (hereafter "Move"), the National Association of Realtors ("NAR"), and the National Association of Home Builders of the United States ("NAHB"), on the other hand (collectively the "Parties"), executed an agreement settling this lawsuit (the "Settlement Agreement"). Pursuant to the Settlement Agreement, the Parties hereby jointly request that the Court:

(1) ~~vacate the following rulings:~~

- (a) ~~ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AS TO NON-INFRINGEMENT AND INVALIDITY BASED ON INDEFINITENESS; DENYING OTHER MOTIONS AS MOOT (Dkt. No. 862);~~
- (b) ~~ORDER DISMISSING DEFENDANTS' COUNTERCLAIMS WITHOUT PREJUDICE (Dkt. No. 908); and~~
- (c) ~~JUDGMENT (Dkt. No. 912); and~~

(2) consider the following pending matters as having been withdrawn:

- (a) Defendants' BILL OF COSTS (Dkt. No. 913) and Defendants' REDUCTION OF CERTAIN ITEMS IN DEFENDANTS' BILL OF COSTS (Dkt. No. 917); and
- (b) Defendants' MOTION FOR PROTECTIVE ORDER FROM ORDER REGARDING FURTHER SANCTIONS (*filed under seal*) (Dkt. No. 935); and

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1 (3) dismiss, with prejudice, Plaintiffs' Complaint and Defendants' Counterclaims.
2 Each party shall bear his or its own costs and attorneys' fees.
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4 **IT IS SO STIPULATED:**

5 Dated: May 22, 2009.

ALSTON & BIRD, LLP

6 By: /s/ Bruce J. Rose

7 BRUCE J. ROSE

8 Attorney for Defendants Homestore, Inc., the
9 National Association of Realtors and the National
10 Association of Home Builders of the United States

11 Dated: May 21, 2009.

FINNEGAN, HENDERSON, FARABOW,
12 GARRETT, DUNNER, LLP

13 By: /s/ Scott R. Mosko

14 SCOTT. R. MOSKO

15 Attorney for Plaintiffs Kevin Keithley and TREN
Technologies Holdings LLC

16 **IT IS SO ORDERED.**

17 Dated: 6/2/09



18 Hon. Susan Illston
19 United States District Judge
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